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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,966	08/01/2003	Virginie Harle	PET-2095	3663
23599	7590	08/08/2005	EXAMINER	
MILLEN, WHITE, ZELANO & BRANIGAN, P.C. 2200 CLARENDON BLVD. SUITE 1400 ARLINGTON, VA 22201			NGUYEN, CAM N	
			ART UNIT	PAPER NUMBER
			1754	

DATE MAILED: 08/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/631,966	<b>Applicant(s)</b> HARLE ET AL.	
	<b>Examiner</b> Cam N. Nguyen	<b>Art Unit</b> 1754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on May 16, 2005 (an election).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-9 is/are allowed.
- 6) ☒ Claim(s) ~~4-14~~ 1-14 is/are rejected.
- 7) ☐ Claim(s) 1, 2, 6, 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>originally filed</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### **Response to Election/Restriction**

1. Applicant's election of Group I, claims 1-9 & 14, in the reply filed on May 16, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 10-13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on May 16, 2005.

### **Claim Objections**

3. Claims 1, 2, 6, & 8 are objected to because of the following informalities:
  - A. In claim 1, line 3, "with structural formula" is suggested changed to --having a structural formula--.
  - B. In claim 1, line 5-6, "in which M is cobalt and/or nickel and/or iron and/or copper and/or zinc" is suggested changed to --wherein M is cobalt, nickel, iron, copper, and/or zinc--.
  - C. In claim 1, line 6-7, it is suggested that applicants amend the claim to recite --A is one element selected from group VIII...--.
  - D. In claim 1, line 8, "1 or 2 elements" should be changed to --one or two elements--.

Art Unit: 1754

- E. In claim 1, line 12, "and/or caesium and/or potassium and/or sodium" should be changed to --cesium, potassium, and sodium--.
  - F. In claim 1, line 13, "takes" should be replaced with --is--.
  - G. In claim 1, line 15, "and in which" should be changed to --, and wherein--.
  - H. In claim 1, line 16, "with a length" should be changed to --have a length--.
  - I. In claim 1, line 16, "strictly" should be deleted.
  - J. In claim 2, line 1, "in which" should be changed to --wherein--.
  - K. In claim 6, it is suggested applicants insert the word --further-- before "comprising" because claim 6 is depending upon claim 5, and that the zeolitic molecular sieve claimed in claim 6 is not the "mineral matrix" material claimed in claim 5.
  - L. In claim 8, line 1, "in which" should be changed to --wherein--.
- Appropriate correction is required.

**Claim Rejections - 35 USC § 112 (Second Paragraph)**

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 5. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The way claim 14 is now written requires all three heteropolyanion components.

However, since claim 14 is depending upon claim 8, and that claim 8 only requires to chosen 1 component from the list of heteropolyanion components. This is unclear vague and indefinite.

### **Citations**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All references are cited for related art. See PTO-892 Form attached.

### **Conclusion**

7. Claims 1-14 are originally pending. Claims 1-2, 6, & 8 are objected. Claim 14 is rejected. Claims 1-9 are allowed.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner Cam N Nguyen, whose telephone number is 571-272-1357. The examiner can normally be reached on M, W, R, & F, 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen/cnn *cnn*  
August 04, 2005

*Cam Nguyen*  
**CAM N. NGUYEN**  
**PRIMARY EXAMINER**  
*AV-1754*